

## **REMARKS**

### **Specification**

The Abstract has been objected to for the inclusion of the last line. The last line has been deleted as suggested in the Office Action.

### **Claim Objections**

Claims 10 and 11 have been objected to for various informalities. The amendments herein correct those informalities. With respect to the objection claim 10, line 6, "it" has been replaced by "the process." The suggestions of the examiner have been adopted for the other informalities in claim 10.

In claim 11 the suggestion to replace "its" with "the first image" has not been adopted because the suggestion created a grammatical problem. Instead "it's similar representation in" has been deleted as duplicative and therefore unnecessary.

### **Claim Rejections - 35 USC §103**

Claims 10-15 have been rejected as obvious from Rothfjell, US 3805238, in view of Constant et al, US 20030154446 A1. The rejection is traversed.

Rothfjell is cited for all features of the claims except for the feature of a database accessible by a network. Constant et al has been applied as showing image files stored in a database accessible by a telecommunication network, and indeed it appears to have no other relevance to the invention. Accordingly the rejection stands on the basis that Rothfjell meets all of the recitations of claim 10, except for the "accessible by a network" recitation. The applicant does not agree that Rothfjell satisfies the remaining claim recitations.

Rothfjell (US 3805238) has already been cited and distinguished on page 2, lines 4-19 of the application. The features of claim 10 have been rearranged to emphasize the characterizing features relative to the Rothfjell identification method. The identifier attachment is now positively recited as a characterizing feature. Note also that in moving the identifier attachment clause into the characterizing portion of the claim, the term "the latter" has been changed to "the identifier" for improved clarity.

Rothfjell works only for individuals having characteristic curves, not for objects which can be identical (such as industrial products).

Rothfjell discloses a method for identifying individuals using selected characteristic body curves. Thus Rothfjell is a DIRECT identification and authentication method as the characteristic body curves are directly compared with the photographs of the individual or with the individual itself. In the claimed invention the identification and authentication is achieved thanks to a 3D identifier that is attached to the review object and presents heterogeneities distributed in a random manner within a transparent material. Rothfjell does not attach such an identifier, and does not teach to or suggest to attach and use such an identifier.

In Rothfjell the stereoscopic vision is not used to check the 3D aspect of the individual.

Differences between the claimed method and Rothfjell are summarized in the table below.

|   | Rothfjell                  | Present Invention   |
|---|----------------------------|---|
| What is identified or authenticated     | <b>Individuals</b>         | <b>Objects</b>  |
| Identification and authentication means | Characteristic body curves | 3D identifier presenting heterogeneities distributed in a random manner within a transparent material |

|  |   |  |
|--|---|--|
| Identification and authentication method | The characteristic body curves are <b>directly</b> compared with photographs or with the individual itself  | <b>Indirect:</b> the authentication is made on the basis of the identifier which has been attached to the object. The object itself doesn't need to have any unique characteristics or "body curves"   |
| Process steps                            | <ul style="list-style-type: none"><li>- Nothing is done to the individual.</li><li>- Compare photographs and individual</li><li>- Compare the represented body curves with photograph</li></ul> | <ul style="list-style-type: none"><li>- A three-dimensional identifier is <b>attached</b> to the review object.</li><li>- Check 3D aspect of the <b>identifier</b> by using the stereoscopic vision of the human eye</li><li>- Compare the position of the heterogeneities randomly distributed in the <b>identifier</b> with a 2D representation of the identifier stored in a database accessible by a network</li></ul> |

As can be seen from the foregoing the attached 3D identifier, a feature totally absent in Rothfjell, has a central role in the present invention.

Rothfjell clearly does not meet the recitations of claim 10 other than the network recitation. At least for that reason, the combination of Rothfjell and Constant et al does not render the subject matter of claims 10-15 obvious. Withdrawal of this rejection is requested.

### Conclusion

The informalities identified by the examiner have been corrected and the invention has been shown to be non-obvious over the cited documents. The application is therefore seen to be in condition for allowance. Early and favourable action thereon is requested.

Respectfully submitted,  
VIDAS, ARRETT & STEINKRAUS

Date: October 2, 2007

By: /Walter J. Steinkraus/  
Walter J. Steinkraus  
Registration No.: 29592

6109 Blue Circle Drive, Suite 2000

Minnetonka, MN 55343-9185

Telephone: (952) 563-3000

Facsimile: (952) 563-3001

f:\wpwork\wejs\11807us01 and 20070927.doc